


COUNTY OF YORK

MEMORANDUM

DATE: May 18, 2006 (BOS Mtg. 6/27/06)

TO: York County Board of Supervisors

FROM: James E. Barnett, County Attorney 

SUBJECT: Proposed amendment to York County Code § 14-26, Business and Professional Occupational License Tax for Gas Retailers

The 2006 General Assembly adopted Senate Bill 597 which contains provisions which, under certain circumstances, could limit the amount of Business, Professional and Occupational License (BPOL) tax which the County could levy upon a gas retailer, that is, a person or entity engaged in business as a retailer to sell gasoline, gasohol, diesel fuel, or other kinds of fuels. Briefly, SB 597 adds language to existing Code of Virginia § 58.1-3706 to state that the annual increase in license taxes imposed upon a gas retailer may not exceed 110% of the BPOL tax levied against the retailer during the previous license year, in the event that the Virginia Department of Mines, Minerals and Energy determines that gas prices have increased by 20% or greater in any one week period over the immediate preceding one week period and has remained at that increased amount or greater for at least 28 consecutive days thereafter. In response to the new legislation, I have proposed amending County code § 14-26 (b), which sets out the BPOL tax rate for all businesses engaged in retail sales, to provide for an exception that the amount of tax assessed against a gas retailer is subject to the new language included in Code of Virginia § 58.1-3706.

Attached is proposed Ordinance No. 06-14, which will incorporate the new statutory provisions by reference. I recommend its adoption.

Barnett/3440:sw
Attachment

- Proposed Ordinance No. 06-14